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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 GERARDO RODARTE,

10 Plaintiff,

11 v.

12 SKAGIT COUNTY and JOSEPH  
13 GUTIERREZ,

14 Defendants.

No. 2:20-cv-885-BJR

ORDER ON PLAINTIFF'S  
COUNSEL'S MOTION TO  
WITHDRAW

15 This matter comes before the Court on a motion by Plaintiff's counsel Matthew Hays  
16 McCoy to withdraw as counsel for Plaintiff. Dkt. No. 64. Mr. McCoy indicates that he has been  
17 advised to withdraw as counsel in this matter after consulting with two professional and ethical  
18 responsibility attorneys.<sup>1</sup> Defendant Joseph Gutierrez has not filed a response to this motion.

19 This case is currently stayed in this Court pending an appeal to the Ninth Circuit by  
20 Defendant Gutierrez on the Court's denial of his claim for qualified immunity on Plaintiff's  
21 fabrication of evidence claim. The Court takes judicial notice that the Ninth Circuit granted a  
22 motion by Mr. McCoy to withdraw as Plaintiff's counsel in the appeal, and that attorney Jesse  
23 Valdez subsequently appeared as counsel for Plaintiff in the appeal. However, Mr. Valdez has  
24 not entered a notice of appearance on behalf of Plaintiff in this Court. If Mr. Valdez intends to  
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<sup>1</sup> Mr. McCoy states that due to the confidential nature of the issue, he has omitted in his motion the specific reason he seeks to withdraw, but he will make himself available to speak in the Court's chambers if necessary.

1 appear on behalf of Plaintiff in this Court, the Court would be able to grant Mr. McCoy leave to  
2 withdraw without the need for further inquiry into Mr. McCoy's reasons for seeking to withdraw.

3 Therefore, the Court DENIES Mr. McCoy's motion to withdraw (Dkt. No. 64) at this  
4 time, without prejudice to renewal. Before filing a renewed motion, Mr. McCoy is directed to  
5 consult with his client and with Mr. Valdez to determine whether Mr. Valdez intends to represent  
6 Plaintiff in this Court. If so, the Court authorizes Mr. McCoy and Mr. Valdez to file a notice of  
7 withdrawal and substitution of counsel. If Mr. Valdez does not intend to appear on behalf of  
8 Plaintiff in this Court, Mr. McCoy may file a renewed motion to withdraw.  
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10 Dated: April 22, 2022

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13 Barbara Jacobs Rothstein  
14 U.S. District Court Judge  
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